**SHRI G.S. SINGHVI, THE CHIEF JUSTICE**
**AND**
**HON'BLE SHRI JUSTICE G.V. SEETHAPATHY**
**WRIT APPEAL NO. 1751 OF 2002**

**BETWEEN**
Mohd. Masliuddin

**.....Appellant**

**And**
Zaheera Bee & others

**.....Respondents**

Counsel for the appellant : Shri B.Mahender Reddy

Counsel for Respondent No.1 : Shri N. Vasudeva Reddy

**Dated:** 31.08.2006

**::JUDGMENT::**

**Per G.S. SINGHVI, CJ**

This appeal is directed against order dated 13.09.2002 passed by the learned Single Judge in Writ Petition No.15751 of 2000 (Zaheera Bee v. Joint Collector, Ranga Reddy District and others).

Brief facts:

Respondent No.1, Zaheera Bee filed a writ petition under Article 226 of the Constitution of India for quashing orders dated 27-1-1990 and 10-7-2000 passed by Assistant Collector, Vikarabad Division and Joint Collector, Ranga Reddy District respectively. In the affidavit filed by her, respondent No.1 averred that she had been granted house-site patta in respect of plot No.45 measuring 121 Square yards out of Survey No. 204 and 205 of Alampally Village, Vikarabad Mandal, Ranga Reddy District. Similarly, one Sri Beerappa was granted patta in respect of plot No.5. Later on, the house-site patta granted to Sri Beerappa was cancelled and the plot was assigned to respondent No.4, Mohd. Masliuddin. However his patta was cancelled by the Mandal Revenue Officer, Vikarabad vide his order dated 16-12-1988 on the premise that the said respondent is not eligible for grant of patta. She further averred that after cancellation of patta granted to respondent No.4, the Mandal Revenue Officer vide his order dated 25-2-1989 assigned the land of plot No.5 to her and after getting possession she made construction upto basement level. In the meanwhile, respondent No.4 challenged the order of cancellation in Writ Petition No.1992 of 1989, which was disposed of by the High Court by directing the Assistant Collector to dispose of the appeal preferred by respondent No.4 within one month. In compliance of the Court's order, the Assistant Collector passed order dated 27-1-1990, whereby he set aside order dated 18-11-1988 passed by the Mandal Revenue Officer.

The aforesaid order of the Assistant Collector was challenged by respondent No.1 in Writ Petition

No. 9971 of 1990 which was disposed of with a direction to the Collector to conduct enquiry with regard to plot No.5 and pass appropriate order after giving opportunity to both the parties. Thereafter, the Joint Collector passed order dated 10-7-2000, whereby he confirmed the order of the Assistant Collector. Respondent No.1 Zaheera Bee then challenged orders dated 27-1-1990 and 10-7-2000 in Writ Petition No.15751 of 2000.

During the pendency of the writ petition filed by respondent No.1, the learned Single Judge passed order dated 21.08.2002 whereby he directed the District Collector to file detailed counter-affidavit. In compliance of that order, District Collector filed counter-affidavit dated 05.09.2002 in which it was averred that Shri Mahaboob Miya is in actual possession of plot No.5 by constructing a house thereon on the strength of order dated 23.01.1989 passed by Mandal Revenue Officer. It was also averred that as the writ petitioner has raised construction upto basement level and two rooms in plot No.5 and an alternative plot in the same village will be provided to respondent No.4. After taking note of the averments contained in the affidavit of the District Collector and the statement made by the learned Government Pleader for Assignments that assignment made in favour of the writ petitioner would not be disturbed, the learned Single Judge disposed of the writ petition without adjudicating on the legality of the orders impugned in the writ petition. The relevant extracts of the order of the learned Single Judge are reproduced below:

> " On the directions of this Court dated 21-8-2002, the District Collector has filed the counter-affidavit dated 5-9-2002 stating that it has been noticed that Sri Mahaboob Miya is in actual possession of Plot No.45 by constructing a house thereon on the strength of the order of the Mandal Revenue Officer, dated 23-1-1989 and that in the circumstances and as the petitioner has constructed a house upto basement level and two rooms in plot No.5, an alternate plot in the same village will be provided to the 4th respondent.
>
> The learned Government Pleader for Assignments also asserts, on the basis of instructions that the assignment of plot No.5 in favour of the petitioner would not be disturbed and in fact would be confirmed by the appropriate orders of the District Collector in this regard.
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> In the light of the specific averments in paragraph 9 of the counter affidavit of the District Collector coupled with the assertions on behalf of the respondents and the District Collector by the learned Government Pleader for Assignments, it is seen that no further orders are required in this writ petition as the grievance of the petitioner no longer survives for adjudication. Recording the assertions and the averments in the counter affidavit of the District Collector, the writ petition is disposed of."

Learned counsel for the appellant argued that the statement made by the learned Government Pleader for Assignments is contrary to the records and it is likely that the order of the learned Single Judge will be used against his client for depriving him of his legitimate right in respect of the land in his possession.

In our opinion, the apprehension expressed by the learned counsel is not well-founded. Admittedly, while disposing of the writ petition filed by respondent No.1, the learned Single Judge did not annul orders dated 10.07.2000 and 27.01.1990 which were subject matter of challenge in the writ petition. The learned Single Judge also did not pass any order adversely affecting the right or interest of the appellant herein. Therefore, we do not see any reason to interfere with the order under challenge and dispose of the appeal with the observation that as and when the competent authority passes any order adversely affecting the right or interest of the present appellant, then he shall be free to challenge the same by availing appropriate legal remedy.

With the above observation, the appeal is disposed of.

As a sequel to disposal of the writ appeal, W.A.M.P.No.1898 of 2006 filed by respondent No.1 for expediting hearing of the appeal is disposed of as infructuous.

**G.S. SINGHVI, CJ**

**G.V. SEETHAPATHY, J**

31.08.2006
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